

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED
CHIEF CLERK'S OFFICE

2-16-16

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS

Report of Regular Meeting
Monday, February 15, 2016
House Hearing Room 4 -- 2:00 p.m.

Convened 2:27 p.m.

Recessed

Reconvened

Adjourned 3:26 p.m.

Members Present

Ms. Alston
Mr. Boyer
Ms. Fann
Mrs. Gabaldón
Mr. Gray
Ms. Plumlee
Mr. Rivero, Vice-Chairman
Mr. Coleman, Chairman

Members Absent

Agenda

Original Agenda – Attachment 1

Request to Speak

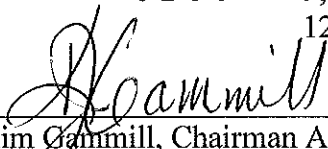
Report – Attachment 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
None		

Committee Action

<u>Bill</u>	<u>Action</u>	<u>Vote</u>	<u>Attachments (Summaries, Amendments, Attendance)</u>
HB2041	Held		
HB2051	Held		
HB2497	DPA	5-3-0-0	3, 4, 5
HB2635	DP	8-0-0-0	6, 7, 8
HB2612	DP	6-2-0-0	9, 10, 11
	Committee Attendance		12



Kim Gammill, Chairman Assistant
February 16, 2016

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Convene 2:27pm
Adjourn 3:26pm

ADDENDUM - 02/12/16 ADDENDUM - 02/12/16 ADDENDUM - 02/12/16

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS

DATE Monday, February 15, 2016

ROOM HHR 4

TIME 2:00 P.M.

Members:

Ms. Alston
Mr. Boyer
Ms. Fann

Mrs. Gabaldón
Mr. Gray
Ms. Plumlee

Mr. Rivero, Vice-Chairman
Mr. Coleman, Chairman

Bills	Short Title	Strike Everything Title
*HB2041	<u>HELD</u> newspapers; public notice publication (Finchem, Borrelli, Lawrence, et al) CMA, RULES	
*HB2051	<u>HELD</u> catastrophic public nuisance; determination; abatement (Finchem, Borrelli, Mitchell, et al) CMA, RULES	
*HB2497	<u>DPA</u> local governments; permits; equipment (Mitchell) <u>5-3-0-0</u> CMA, RULES	
HB2635	<u>DP</u> municipalities; taxes and fees; notification (Weninger) <u>8-0-0-0</u> CMA, RULES	

Bills

Short Title

Strike Everything Title

ADDENDUM #1 - 02/12/16

****HB2612**

DP

rental properties; prohibited penalties

(Plumlee, Cardenas: Bolding, et al)

6.2.0.0

CMA, RULES

*

On previous agenda

Pursuant to House Rule 9c3

ORDER OF BILLS TO BE SET BY THE CHAIRMAN

kjg

JY

~~2/10/16~~

2/12/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

Information Registered on the Request to Speak System

House County and Municipal Affairs (2/15/2016)

HB2041, newspapers; public notice publication

Support:

Jose Borrajero, representing self; Tom Holding, representing self; Susan Hicks, representing self; Janelle Solomon, representing self; Joyce Hill, representing self; John Baunoch, representing self

Oppose:

John Moody, Arizona Newspapers Association (ANA); Paula Casey, Arizona Newspapers Association (ANA); Ryan Harper, Arizona Trustees Association; Scott Smith, Phoenix Newspapers Inc.; Marilyn Purvis, WICK COMMUNICATIONS; Michael Preston Green, AZ CAPITOL TIMES / AZ NEWS SERVICE; Ginger Lamb, Arizona News Service/Arizona Capitol Times

All Comments:

Jose Borrajero, Self: This bill is long overdue because it brings us to the 21st century by removing a barrier to competition among newspapers which is both archaic and useless.

HB2051, catastrophic public nuisance; determination; abatement

Oppose:

Peter Bengtson, representing self; Sandy Bahr, Sierra Club - Grand Canyon Chapter; Garrick Taylor, Arizona Chamber Of Commerce And Industry; Kelly Norton, AZ MINING ASSN; Daniel Romm, COUNTY SUPERVISORS ASSN OF AZ; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE

All Comments:

Peter Bengtson, Self: This is a bad bad bill. it is unimplementable. Don't pass this and make more trouble for the state of AZ.

HB2497, local governments; permits; equipment

Support:

Garrick Taylor, Arizona Chamber Of Commerce And Industry; Dana Paschke, COMCAST/NBC UNIVERSAL; Mike Huckins, GREATER PHOENIX CHAMBER OF COMMERCE; Susan Bitter Smith, representing self; Michael Stull, COX COMMUNICATIONS ARIZONA, LLC; Marcus Dell'Artino, CENTURYLINK, INC

Oppose:

Patrice Kraus, LEAGUE OF ARIZONA CITIES & TOWNS

HB2635, municipalities; taxes and fees; notification

Support:

Tom Holding, representing self; Susan Hicks, representing self; Janelle Solomon, representing self; Joyce Hill, representing self; John Baunoch, representing self

Neutral:

Patrice Kraus, LEAGUE OF ARIZONA CITIES & TOWNS

HB2612, rental properties; prohibited penalties

Support:

Shannon Rich, AZ COALITION TO END SEXUAL AND DOMESTIC VIOLENCE

Neutral:

Jason Barraza, Associate Director, AZ ASSN OF COMMUNITY MANAGERS (AACM)



HOUSE OF REPRESENTATIVES

HB 2497

local governments; permits; equipment
Prime Sponsor: Representative Mitchell, LD 13

X Committee on County and Municipal Affairs

Caucus and COW

House Engrossed

OVERVIEW

HB 2497 requires a political subdivision to allow specified persons to install, operate and maintain microcell equipment in the public highways within the municipality's boundaries and prohibits recurring fees, tax, rent or other charges from the services provided from microcell or Wi-Fi radio equipment.

PROVISIONS

1. Mandates the licensing authority of a political subdivision to issue a permit to a cable operator that applies to attach allowable Wi-Fi radio equipment to a cable television system in public streets, roads and alleys within the area of jurisdiction.
 - a. Authorizes a licensing authority to require all of the permitted Wi-Fi radio equipment, at a single location, to fit within a 15 inch cube and be contained within a ground-mounted pedestal, or be directly connected to and mounted at the same height as one of the cable operator's aerial horizontal conductors
2. Prohibits a political subdivision's imposition of a tax, rent, fee or charge on revenue from the service provided by such Wi-Fi radio equipment
3. Requires a political subdivision to permit (1) a telecommunications corporation within the licensed area of a licensed issued by the municipality; (2) a telecommunications corporation that provides interstate services; or (3) a cable operator in the area of jurisdiction licensed by the municipality.
4. Stipulates that a political subdivision must issue a permit for installation, operation and maintenance of microcell equipment in the public highways within the political subdivision's boundaries on a competitively neutral and nondiscriminatory basis.
5. Specifies that all application fees, permit fees and charges levied by a political subdivision must be levied on a competitively neutral and nondiscriminatory basis; must be directly related to the costs acquired by the political subdivision in providing services related to the granting or administration of applications or permits; and must be reasonably related in time to the occurrence of the costs.
6. Prohibits a political subdivision from charging a recurring fee, rent or other charge for the use of the microcell equipment in the political subdivision's public highway or on revenue from the services provided through the microcell equipment.
 - a. Clarifies that a political subdivision may charge a competitively neutral and nondiscriminatory rent, fee or other charge for the use of the political subdivision's pole.

- b. Specifies that only a qualified service provider is allowed to use microcell equipment to provide commercial mobile services.
- 7. Limits the following, unless the political subdivision agrees in its sole discretion, at each microcell equipment site:
 - a. No more than two strand-mounted antennae and radio pairs which are owned by a telecommunications corporation, cable operator or qualified service provider and are used to provide commercial mobile service; and
 - b. Any related devices owned by a telecommunication corporation or cable operator that are mounted on a strand between utility poles (including power supplies, housings, cables and similar supporting furnishings and improvements).
- 8. Defines *microcell equipment*, *permitted Wi-Fi radio equipment*, and *qualified service provider*.
- 9. Contains a legislative findings clause.
- 10. Contains the following retroactive dates:
 - a. Prohibiting a licensing authority from levying a tax, rent, fee or charge for certain use of public streets, roads and alleys for permitted Wi-Fi equipment applies from and after December 31, 2015.
 - b. Allowing a licensed cable operator to attach to the cable television system and operate and maintain permitted Wi-Fi radio equipment in public streets, roads and alleys applies to all licenses issued before the general effective date of this act.
 - c. Allowing certain persons to install, operate and maintain microcell equipment in the public highways within a political subdivision applies to all persons specified in this act that took effect or were issued before the general effective date of this act.
- 11. Makes technical and conforming changes.

CURRENT LAW

A.R.S. § 9-506 states that a city, town or county, either individually or jointly by an intergovernmental contract, may issue a license to an individual to use public streets, roads and alleys for the purpose of construction, operation and maintenance of cable television systems and must impose conditions, restrictions and limitations on the use of the street, roads and alleys. The licensing authority of a city, town or county is allowed to adopt a resolution or ordinance that implements and controls the license, issue a license containing other terms and conditions and impose a license fee on gross revenues.

Other than the license fee on gross revenues and transaction privilege taxes, a licensing authority of a political subdivision may not levy a tax, rent, fee or charge on a cable operator for the use of public streets, roads or alleys to provide cable service or on the privilege of engaging in business of providing the service. A tax, rent, fee or charge includes all access channel support (except for in-kind services or payments) and all rental, application, construction, permit, inspection, inconvenience and other fees and charges related to a cable operator's use of public streets, roads and alleys.

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2497

(Reference to printed bill)

1 Page 4, line 11, after "I." insert "UPON APPLICATION"; strike "THAT APPLIES"

2 Line 20, after the period insert "THIS SUBSECTION DOES NOT AFFECT ANY AUTHORITY
3 OF A POLITICAL SUBDIVISION INCLUDING AN AGRICULTURAL IMPROVEMENT DISTRICT AND
4 OTHER SPECIAL TAXING DISTRICT, THE LICENSING AUTHORITY OR ANY OTHER PERSON
5 CONTROLLING UTILITY POLES IN THE PUBLIC STREETS, ROADS AND ALLEYS TO DENY,
6 LIMIT, RESTRICT OR DETERMINE THE TERMS AND CONDITIONS FOR THE USE OF OR
7 ATTACHMENT TO THE UTILITY POLES OR ATTACHMENTS TO THE POLES OF THE POLITICAL
8 SUBDIVISION, LICENSING AUTHORITY OR OTHER PERSON BY A CABLE OPERATOR."

9 Line 32, after "SPECTRUM" insert "AND THAT ENABLES WIRELESS COMMUNICATION WITH A
10 COMMUNICATIONS NETWORK FOR UNLICENSED SERVICES"; strike "FOR"

11 Page 5, line 1, after "B." insert "UPON APPLICATION"

12 Line 5, after "SECTION" strike remainder of line

13 Strike line 6, insert ". THIS SECTION DOES NOT AFFECT ANY AUTHORITY OF A
14 POLITICAL SUBDIVISION, AN AGRICULTURAL IMPROVEMENT DISTRICT OR OTHER SPECIAL
15 TAXING DISTRICT, OR ANY OTHER PERSON CONTROLLING UTILITY POLES IN THE PUBLIC
16 HIGHWAYS TO DENY, LIMIT, RESTRICT OR DETERMINE THE TERMS AND CONDITIONS FOR
17 USE OF OR ATTACHMENT TO THE UTILITY POLES OR ATTACHMENTS TO THE POLES OF THE
18 POLITICAL SUBDIVISION, DISTRICT OR OTHER PERSON BY A PERSON SPECIFIED IN
19 SUBSECTION A OF THIS SECTION."

20 Line 18, after the first "OF" insert "THE UTILITY"

21 Between lines 38 and 39, insert:

22 "2. POLITICAL SUBDIVISION DOES NOT INCLUDE AN AGRICULTURAL IMPROVEMENT
23 DISTRICT OR OTHER SPECIAL TAXING DISTRICT THAT CONTROLS UTILITY POLES."

Attachment 4

Adopted <input checked="" type="checkbox"/>	# of Verbals <u> </u>
Failed <u> </u>	Withdrawn <u> </u>
Not Offered <u> </u>	Analysts Initials <u> </u>

1 Renumber to conform

2 Page 5, between lines 41 and 42, insert:

3 "4. "UTILITY POLE" MEANS A POLE OR SIMILAR STRUCTURE AND ATTACHED
4 APPURTENANCES INCLUDING STRAND THAT IS DESIGNED FOR TELECOMMUNICATIONS,
5 CABLE, DATA, ELECTRIC, LIGHTING, TRAFFIC CONTROL, SIGNAGE OR OTHER
6 FUNCTIONS."

7 Amend title to conform

DOUG COLEMAN

2497COLEMAN
02/12/2016
10:31 AM
H: ab/ajh

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

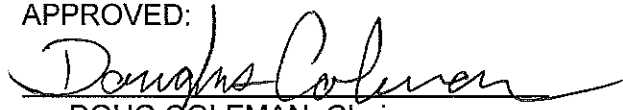
ROLL CALL VOTE

COMMITTEE ON _____ COUNTY AND MUNICIPAL AFFAIRS _____ BILL NO. HB 2497

DATE February 15, 2016 MOTION: DPA

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston			✓		
Mr. Boyer		✓			
Ms. Fann		✓			
Mrs. Gabaldón			✓		
Mr. Gray		✓			
Ms. Plumlee			✓		
Mr. Rivero, Vice-Chairman		✓			
Mr. Coleman, Chairman		✓			
		5	3	0	0

APPROVED:


DOUG COLEMAN, Chairman
TONY RIVERO, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2635

municipalities; taxes and fees; notification

Prime Sponsor: Representative Weninger, LD 17

X Committee on County and Municipal Affairs

Caucus and COW

House Engrossed

OVERVIEW

HB 2635 requires a municipality to prepare a schedule and written report if proposing to levy or assess a tax or fee.

PROVISIONS

1. Mandates a municipality to adhere to the following requirements if proposing to levy or assess a tax or fee:
 - a. Prepare a schedule of the proposed new or increased tax or fee that includes the amount of the tax or fee and a written report or data that supports the new or increased tax or fee. A copy of that report or data must be filed in the office of the clerk of the municipality;
 - b. Provide a schedule of the proposed new charge and the written report or data that supports the new charge or increase in the rate of an existing tax or fee to be posted on the municipality's website at least sixty days before the date the proposed new tax or fee is approved or disapproved by the governing body;
 - c. Prepare a notice of intent to establish or increase a tax or fee; the notice must include:
 - i. The time and place of the meeting of the municipality's governing body in which the proposed new or increased tax or fee will be considered;
 - ii. A statement that includes the amount of the proposed new or increased tax or fee; and
 - iii. A written report or data that supports the new or increased tax or fee and is available on the municipality's website.
 - d. Post the notice of intent on the municipality's website at least fifteen days before the date the proposed new or increased tax or fee will be approved or disapproved by the governing body; and
 - e. Distribute the notice of intent through the municipality's social media accounts or other electronic communication tools, if available.
2. Requires all departments, boards or other subdivisions of a municipality, that are authorized to establish or modify taxes or fees, to follow the notice requirements noted above before the date of the entity's consideration of the new or increased tax or fee.
3. Specifies that any technological issues that prevent the posting of the notice on the municipality's website or distribution of the notice through social media or other electronic communication tools do not preclude the municipality's governing body from approving or disapproving the new or increased tax or fee at the meeting provided on the notice of intent.
4. Exempts the following fees from being levied or taxed:
 - a. Water and wastewater rates or rate components;
 - b. Fees for registration-based classes, programs or activities provided by the municipality;

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County and Municipal Affairs

HB 2635

- c. Court fees established pursuant to state law;
 - d. Fees or charges established pursuant to federal law for public housing or other federally funded programs; and
 - e. Other fees whose amounts are set by state or federal law.
5. Requires the above fee information, if made available, to be posted on the municipality's website and distributed through social media or other electronic communication tools.
6. Makes technical and conforming changes.

CURRENT LAW

A.R.S. §9-499.15 states a municipality may not levy or assess any new taxes or fees or increase existing taxes or fees pursuant to statute on a business without complying with this section.

A municipality that proposes to levy or assess a tax or fee shall provide written notice of the proposed charge on the home page of the municipality's website at least sixty days before the date the proposed new tax or fee is approved or disapproved by the governing body of the municipality, if the imposition of the proposed tax or fee is a new charge. If the municipality proposes to increase the rate of an existing tax or fee on a business, provide written notice of the proposed increase on the home page of the municipality's website at least sixty days before the date the proposed new rate is approved or disapproved by the governing body of the municipality.

This section does not apply to any development fees that offset costs to the municipality associated with providing necessary public services to a development, including the costs of infrastructure, improvements, real property, engineering and architectural services, financing and professional services. (A.R.S. §9-463.05) In addition to any other limitation that may be imposed by law, a municipality shall not levy or impose an assessment, fee or tax on hospital revenues, discharges, beds or services for the purpose of receiving services or payments.

ARIZONA HOUSE OF REPRESENTATIVES

Committee Report

February 15, 2016

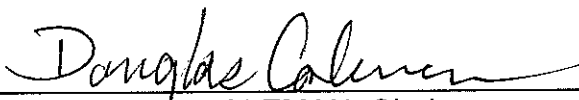
MR. SPEAKER:

Your COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS has had under consideration

HOUSE BILL 2635 and respectfully recommends:

it do pass

LCS



DOUG COLEMAN, Chairman
TONY RIVERO, Vice-Chairman

ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

ROLL CALL VOTE

COMMITTEE ON _____ COUNTY AND MUNICIPAL AFFAIRS _____ BILL NO. _____ HB 2635

DATE _____ February 15, 2016 _____ MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Boyer		✓			
Ms. Fann		✓			
Mrs. Gabaldón		✓			
Mr. Gray		✓			
Ms. Plumlee		✓			
Mr. Rivero, Vice-Chairman		✓			
Mr. Coleman, Chairman		✓			
		8	0	0	0

APPROVED:

Douglas Coleman
DOUG COLEMAN, Chairman
TONY RIVERO, Vice-Chairman

Abammill
COMMITTEE SECRETARY

ATTACHMENT _____



HOUSE OF REPRESENTATIVES

HB 2612

rental properties; prohibited penalties

Prime Sponsor: Representative Plumlee, LD 26

X Committee on County and Municipal Affairs

Caucus and COW

House Engrossed

OVERVIEW

HB 2612 prohibits associations from imposing penalties on unit owners, managing agents or members for communicating with law enforcement or emergency services to prevent or stop domestic violence, sexual violence or to help a disabled individual.

PROVISIONS

1. Prohibits a city, town or board of supervisors from adopting or enforcing any ordinance that penalizes tenants or landlords based on the following:
 - a. Communication with law enforcement or other emergency services by a tenant, landlord, guest, neighbor or other individual for the purpose of:
 - i. Intending to prevent or respond to domestic violence or sexual violence.
 - ii. Intervention of or providing emergency assistance to prevent or respond to domestic violence or sexual violence.
 - iii. Providing communication for services by or on behalf of an individual with a disability with the reason for contact relating to the individual's disability.
 - b. An incident of actual or threatened domestic violence or sexual violence against a tenant, household member or guest that occurs in the dwelling unit or on the premises.
 - c. A criminal activity or local ordinance violation that is directly related to domestic violence and occurs in the dwelling unit or on the premises that is engaged by a tenant, household member, or other party and is against a tenant, household member, guest or other party.
2. Clarifies it will not (1) prohibit a city, town or board of supervisors from adopting or enforcing ordinances to impose penalties on the basis of the underlying criminal activity or a local ordinance violation, not covered in the section, to the extent allowed by state or federal law, and (2) prohibit or limit the eviction of penalties against the perpetrator of the domestic violence, sexual violence or other criminal activity.
3. Prohibits an association from imposing on a unit owner, managing agent, or member (1) a fee, assessment or other charge, (2) a requirement for the termination or non-renewal of a lease agreement, or (3) a prohibition for renting a unit out based on the following:
 - a. Communication with law enforcement or other emergency services by a unit owner, managing agent, tenant, guest, neighbor or other individual for the purpose of:
 - i. Intending to prevent or respond to domestic violence or sexual violence.
 - ii. Providing emergency assistance or intervention to prevent or respond to domestic violence or sexual violence.

HB 2612

- iii. Providing communication by, or on behalf of, or concerning an individual with a disability with the purpose of contact relating to the individual's disability.
 - b. Any incident of actual or threatened domestic violence or sexual violence against a tenant, household member or guest, that occurs in the dwelling unit or on the premises.
 - c. A criminal activity or local ordinance violation that is directly related to domestic violence and occurs in the dwelling unit or on the premises that is engaged by a tenant, household member, or other party and is against a tenant, household member, guest or other party.
- 4. Clarifies it will not (1) prohibit an association from adopting or enforcing a provision in the condominium documents to impose penalties on the basis of underlying criminal activity to the extent allowed by state or federal law, and (2) prohibit or limit the eviction of or imposition of penalties against the perpetrator of the domestic violence, sexual violence or other criminal activity.
 - 5. States the protection of victims of domestic violence and sexual violence is a statewide concern and it preempts all local laws, ordinances, charter provisions and resolutions to the contrary.
 - 6. Defines *disability*, *domestic violence*, *dwelling unit*, *landlord*, *penalizes*, *sexual violence* and *tenant*.

CURRENT LAW

Not currently addressed in statute.

ARIZONA HOUSE OF REPRESENTATIVES

Committee Report

February 15, 2016


MR. SPEAKER:

Your COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS has had under consideration

HOUSE BILL 2612 and respectfully recommends:

it do pass .

LCS



DOUG COLEMAN, Chairman
TONY RIVERO, Vice-Chairman


ARIZONA HOUSE OF REPRESENTATIVES
Fifty-second Legislature - Second Regular Session

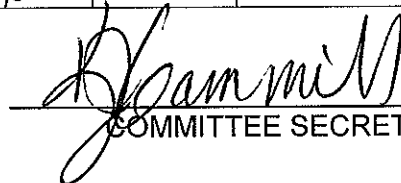
ROLL CALL VOTE

COMMITTEE ON _____ COUNTY AND MUNICIPAL AFFAIRS _____ BILL NO. HB 2612

DATE _____ February 15, 2016 _____ MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Ms. Alston		✓			
Mr. Boyer		✓			
Ms. Fann			✓		
Mrs. Gabaldón		✓			
Mr. Gray			✓		
Ms. Plumlee		✓			
Mr. Rivero, Vice-Chairman		✓			
Mr. Coleman, Chairman		✓			
		6	2	0	0

APPROVED:

DOUG COLEMAN, Chairman
TONY RIVERO, Vice-Chairman


COMMITTEE SECRETARY

ATTACHMENT _____

ARIZONA STATE LEGISLATURE
 Fifty-second Legislature - Second Regular Session
COMMITTEE ATTENDANCE RECORD

COMMITTEE ON COUNTY AND MUNICIPAL AFFAIRS

CHAIRMAN: Doug Coleman VICE-CHAIRMAN: Tony Rivero

DATE	1/25/16	2/1/16	2/15/16	1/16	1/16
CONVENED	2:07 pm	2:38 pm	2:27 pm	m	m
RECESSED					
RECONVENED					
ADJOURNED	4:37 pm	2:56 pm	3:26 pm		
MEMBERS					
Ms. Alston	✓	exc	✓		
Mr. Boyer	✓	✓	✓		
Ms. Fann	✓	✓	✓		
Mrs. Gabaldón	✓	✓	✓		
Mr. Gray	✓	✓	✓		
Ms. Plumlee	✓	✓	✓		
Mr. Rivero, Vice-Chairman	✓	exc	✓		
Mr. Coleman, Chairman	✓	✓	✓		

✓ Present --- Absent exc Excused